

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BERNARD et al.

Serial No.: 09/763,616

Filed: March 2, 2001

For: THERAPEUTIC COMPOUNDS AND METHODS

Attention:

PCT BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Official Action dated March 28, 2001, in connection with the above-identified application. The period for response has been extended to expire on May 28, 2001, by the filing herewith of a Petition for a One Month Extension of Time and payment of the required fee.

The Official Action acknowledges receipt of the application, but indicates that a Declaration in compliance with 37 C.F.R. §1.497(a) and (b) is required. Applicants submit herewith a properly and fully executed Declaration which identifies the application by serial number, title and PCT international application number. A copy of form PCT/DO/EO/905 is submitted herewith along with the required \$130.00 surcharge.

It is believed that the application is now in condition for examination. Accordingly, applicants most respectfully request that an Official Filing Receipt be issued and that the application be forwarded to the appropriate examining group for its examination in due course.

Respectfully submitted,
BACON & THOMAS, PLLC

By: 
RICHARD E. FICHTER
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REF/kdd
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May 16, 2001

09/763616



UNITED STATES PATENT AND TRADEMARK OFFICE

763,616

BERNARD

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20591-0001
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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PCT/AU99/00724

INTERNATIONAL APPLICATION NO.

BACON & THOMAS
 625 SLATERS LANE FOURTH FLOOR
 ALEXANDRIA VA 22312-1176

Date 3-29-01 Atty REFAction Due miss requirementDeadline April 28, 2001Final Deadline Sept 28, 2001

09/03/99 09/04/99

I.A. FILING DATE PRIORITY DATE

03/28/01

DATE MAILED:

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494) an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee. Indication of Small Entity Status.
- Copy of the international application. Translation of the international application into English.
- Oath or Declaration of inventors(s). Translation of Article 19 amendments into English.
- Copy of Article 19 amendments. Other:
- Priority Document.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.

2. Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- U.S. Basic National Fee. Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ _____ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

*A copy of this notice **MUST** be returned with this response.*

Enclosed: PCT/DO/EO/917 Notice of Defective Translation
 PTO-875 PCT/DO/EO/920

Lamont Hunter

International Search Processing

Telephone: (703) 305-6083

FORM PCT/DO/EO/905 (March 2001)

U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371		<i>Attorney's Docket Number</i> REF/BERNARD/616
		<i>U.S. Application Number</i> 09/763,616
<i>International Application Number</i> PCT/AU99/00724	<i>International Filing Date</i> 3 September 1999	<i>Priority Date Claimed</i> 4 September 1998
<i>Title of Invention</i> THERAPEUTIC COMPOUNDS AND METHODS		
<i>Applicant(s) for DO/EO/US</i> BERNARD et al.		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items under 35 USC 371:

1. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
2. An oath or declaration of the inventor(s) (35 USC 371(c)(4)). (Executed Unexecuted)
3. A copy of Form PCT/DO/EO/905 dated: March 28, 2001.
4. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
5. An assignment document for recording.
A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
6. A **FIRST** preliminary amendment.
 A **SECOND** or **SUBSEQUENT** preliminary amendment.
7. A substitute specification.
8. A change of power of attorney and/or address letter.
9. A Verified Statement Claiming Small Entity Status.
10. A Request for Refund.
11. Surcharge in the amount of \$ 130.00.
12. Assignment recordation fee of \$40.00.
13. Processing fee of \$ for furnishing the English translation later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

A check in the amount of \$ 170.00 to cover the fees is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account Number 02-0200. A duplicate copy of this sheet is enclosed.

Respectfully submitted,
BACON & THOMAS, PLLC

By: 
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05/18/2001 MNNGUYEN 00000040 09763616

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130.00 OP

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Date: May 16, 2001